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# You Have a Right to Job Safety and Health.

## IT'S THE LAW!

Every worker in the State of Utah has the right to safe and healthful working conditions. That right is spelled out in the Utah Occupational Safety and Health Act (Act) enforced by the Utah Occupational Safety and Health Division (UOSH).

Section 34A-6-203 of the Act provides that you can take the following actions for your safety and/or health:

- ◆ Complain to your employer, union, UOSH, or any other government safety agency about job safety and health hazards;
- ◆ Participate in UOSH inspections, conferences, hearings, or other UOSH-related activities;
- ◆ Participate on workplace safety and health committees and/or union activities concerning job safety and health;
- ◆ File safety and health grievances.

The Act further states that it is illegal for your employer to punish or discriminate against you because you have taken any of these actions. Any type of employer retaliation is prohibited. The most common types of retaliation include those listed below. For example, your employer may not:

- ◆ Fire, demote, or lay you off;
- ◆ Assign you to any undesirable job or shift;
- ◆ Take away your seniority;
- ◆ Take away your sick leave, vacation time, or any other earned benefits, or blacklist, threaten, or intimidate you.

It is also illegal for your employer to use something you have done wrong at the worksite as an excuse for punishing you when the real reason for the punishment is that you exercised your job safety and health rights. If your employer knows that a number of workers are doing the same thing wrong, he or she cannot legally single out for punishment the worker who has taken part in safety and/or health activities because of those activities.

If you believe that you have been fired, or punished or discriminated against for exercising protected safety and health activities, you may contact UOSH. To ensure that UOSH can act on your behalf, **you must file your complaint within 30 days** of the time the firing or other

adverse action occurred.

UOSH will investigate your complaint. If the investigation confirms that your complaint has merit, UOSH will take action to restore your job and benefits.

Utah is a state plan program. In order to preserve your Federal rights, you must file concurrently with Federal OSHA, Region 8, within the statutory 30 days.

Generally speaking, the Act does not give you the right to refuse an assignment or walk off the job simply because you believe that a safety or health violation might exist. If, however, you are confronted with an unusually hazardous condition that places you in imminent danger of death or serious physical harm and there is not time to contact UOSH, your refusal to work under such conditions may be protected by UOSH. UOSH's criteria for such protection are very explicit and to be protected an employee must do the following:

- ◆ Advise the employer of the hazard and request correction of it, where possible;
- ◆ Accept alternate assignments, if offered.

Since, in some cases, the Act may not protect you, you may also want to contact the National Labor Relations Board, Washington, D.C. (202) 254-8064.

You may obtain more information about these safety and health rights from UOSH at:  
160 East 300 South, 3<sup>rd</sup> Floor  
Salt Lake City, Utah 84114-6650  
(801) 530-6901

You may contact Federal OSHA, Region 8 at:  
1999 Broadway, Suite 1690,  
Denver, Colorado 80202-5716  
(303) 844-1600 or 1-800-321-OSHA.

Utah Labor Commission  
Occupational Safety and Health Division  
Larry Patrick, Administrator

